

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ROBERT J. LABONTE,

Plaintiff,

v.

UNITED STATES,

Defendant.

No. 18-1784C

(Chief Judge Sweeney)

**DEFENDANT'S UNOPPOSED MOTION FOR AN
ENLARGEMENT OF TIME TO RESPOND TO THE COMPLAINT**

Defendant, the United States, respectfully requests that the Court grant an 11-day enlargement of time, from April 5, 2019, to and including April 16, 2019, to respond to the complaint in this action. The response to the complaint originally was due on January 22, 2019. On April 3, 2019, plaintiff's counsel's office advised us that plaintiff consents to this motion.

This is a military pay case. Between the date when plaintiff filed the complaint and the date our response originally was due, undersigned counsel was furloughed for several weeks and was only able to perform minor work on his cases, including filing motions to stay proceedings due to the lapse in appropriations. On January 18, 2019, the Court issued an order staying this case pending Congress' appropriation of funds to the Department of Justice. ECF No. 9. The Court lifted the stay on February 6, 2019. ECF No. 11. On February 20, 2019, the Court set a revised deadline of April 5, 2019 for the Government to respond to the complaint. ECF No. 13.

We have worked diligently and have made significant progress on drafting our response to the complaint. Nonetheless, additional work still must be performed before filing our response, including making additional revisions to the current working version of our draft

response, submitting the revised draft for internal and agency review, making any changes that may be required as the result of the review process, and preparing the response for filing.

Further, undersigned counsel is responsible for other matters that have required his attention in recent weeks. Most significantly, counsel was assigned a bid protest, *North Wind Site Services, LLC v. United States*, Fed. Cl. No. 19-148C, a case involving expedited briefing that previously had been assigned to another attorney who was in the process of transferring to a different Federal agency. We filed our cross-motion to dismiss and for judgment on the administrative record in that case on March 19, 2019 and our reply on April 2, 2019, and the Court conducted a telephonic oral argument on April 5, 2019. That case consumed a significant amount of undersigned counsel's time during the above timeframe.

In addition to *North Wind*, other matters also have consumed counsel's time, including: (1) *Sims v. United States*, Fed. Cl. No. 18-1770 (motion to dismiss complaint served on plaintiff on March 1, 2019); (2) *Obermeier v. United States*, Fed. Cl. No. 18-1633 (filed motion for voluntary remand on March 6, 2019, and filed reply brief on March 27, 2019); and (3) *Shenzhen Xiboda Industrial Co., Ltd. v. United States*, Ct. Int'l Trade No. 11-00267 (prepared internal draft recommendation regarding whether appeal is warranted, submitted initial draft recommendation for further review on March 26, 2019, and submitted revised draft containing minor revisions thereafter).

For these reasons, we respectfully request that the Court grant this motion for an enlargement of time.

Respectfully Submitted,

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Director

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